

The Chairman, Michael Hutson, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, January 21, 2003.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Cynthia Pennington

ALSO PRESENT: Mark Stimac
Allan Motzny
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES – MEETING OF DECEMBER 17, 2002

Motion by Kovacs
Supported by Courtney

MOVED, to approve the minutes of the meeting of December 17, 2002 as written.

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Pennington, Courtney
Abstain: 1 – Fejes

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #7

RESOLVED, that Item #5, Item #6 and Item #7 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Courtney
Supported by Gies

Yeas: All – 7

ITEM #5 – RENEWAL REQUESTED. KOREAN UNITED METHODIST CHURCH, 42693 DEQUINDRE, for renewal of relief to maintain a landscaped berm in lieu of the 4'-6" high masonry screening wall required along the south side of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief to maintain a landscaped berm in lieu of the 4'-6" high masonry screening wall required along the south side of off-street parking. This Board originally granted this relief in October 1987 with the stipulation that a substantial planting of trees and shrubs, enough to protect against motorcycles and snowmobiles, be included in the berm construction. This item last appeared before this Board at the meeting of January 2000 and was granted a three (3) year renewal. Conditions remain the same and we have no complaints or objections on file.

ITEM #5 – con't.

MOVED, to grant Korean United Methodist Church, 42693 Dequindre, a three (3) year renewal of relief to maintain a landscaped berm in lieu of the 4'-6" high masonry screening wall required along the south side of off-street parking.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #6 – RENEWAL REQUESTED. SIEMENS AUTOMOTIVE, 4685 INVESTMENT DRIVE, for relief to maintain a 3'-6" high landscaped berm along the west side of the site where a 6' high decorative masonry screen wall is required.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief to maintain a 3'-6" high landscaped berm along the west side of the site where a 6' high decorative masonry screen wall is required. This item has been renewed on a yearly basis since December 2000. In January 2002 a one year variance was granted in order for the petitioner to look at the site to determine if extra planting were needed on the west end of the property in line with the driveway. The Building Department had received notice from the Parks and Recreation Department stating that they felt the plantings exceed the requirements of the residents. To date, conditions remain the same and there are no complaints or objections on file.

MOVED, to grant Siemens Automotive, 4685 Investment Drive, a three (3) year renewal of relief to maintain a 3'-6" high landscaped berm along the west side of the site where a 6' high decorative masonry screen wall is required.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #7 – RENEWAL REQUESTED. DANIEL LESKE, DDS, 5895 JOHN R., for relief of the 4'-6" high masonry wall required along the south property line and renewal of a variance for relief of the 6' high masonry screening wall required along the west property line abutting residential property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board, for relief of the 4'-6" high masonry wall required along the south property line. This relief was originally granted in 1990, primarily based on the fact that the property to the south, the Day Care center, had already installed a wood fence. Petitioner is also requesting renewal of relief of the 6' high masonry-screening wall required along the west property line abutting residential. This relief has been granted on a yearly basis since 1982, based on a natural screening along the property line. This item last appeared before this Board in January 2000 and was granted a three (3) year variance. Conditions remain the same, and we have no complaints or objections on file.

ITEM #7 – con't.

MOVED, to grant Daniel Leske, DDS, 5895 John R., a three (3) year renewal for relief of the 4'-6" high masonry wall required along the south property line; and a three (3) year renewal of relief of the 6' high masonry screening wall required along the west property line abutting residential.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #3 – RENEWAL REQUESTED. THE BHARATIYA TEMPLE, 6850 ADAMS ROAD, for renewal of relief to maintain a berm in lieu of the 4'-6" high masonry screening wall required where off-street parking abuts residential and relief of the minimum number of trees required along South Boulevard.

ITEM #4 – RENEWAL REQUESTED. COVENANT BAPTIST CHURCH, 38505 DEQUINDRE, for renewal of relief of the 4'-6" high masonry wall required adjacent to the north, south and west sides of off-street parking.

Motion by Courtney
Supported by Kovacs

MOVED, that Items #3 and #4 are postponed until the meeting of February 18, 2003, in order to publish notice of a Public Hearing to consider whether or not a permanent variance should be granted.

Yeas: All – 7

MOTION TO POSTPONE ITEMS #3 AND #4 UNTIL THE MEETING OF FEBRUARY 18, 2003 CARRIED.

ITEM #8 – VARIANCE REQUESTED. MR. & MRS. JEFFREY PARKER, 2660 RENSRAW, for relief of the rear yard setback to construct a family room addition.

Mr. Stimac explained that the petitioner is requesting relief of the rear yard setback to construct a family room addition. The site plan submitted indicates a family room addition on the rear of the home with a proposed 34.1' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in a R-1C Zoned District.

Mr. Jeffrey Parker was present and stated that his home is on a slab and they wished to add a basement under this addition to give them extra storage as well as to provide a recreational area for their four children. He also noted that the home backs up to a school site rather than another residence. Mr. Parker also brought in a written approval from his neighbor.

Mrs. Pennington asked if the house located two houses away from this address was also granted a variance for an addition, and Mr. Stimac stated that although he knew

ITEM #8 – con't.

that a similar variance was granted by this Board, but did not have the exact location or figures.

Mrs. Gies asked if this property was located in a flood zone. Mr. Parker stated that originally they were required to get Federal Flood Insurance, but approximately five (5) years ago it was determined that flood insurance was no longer required. Mrs. Gies then asked if he would be allowed to put in a basement and Mr. Stimac stated that as part of the Building Permit review, it would be determined if this property was in a flood plain. Mr. Parker stated that he thought his home was in the 300-year flood plain.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

Motion by Pennington
Supported by Gies

MOVED, to grant Mr. and Mrs. Jeffrey Parker, 2660 Renshaw, a variance for relief to construct a family room addition, which will result in a 34.1' rear yard setback, where a 40' minimum rear yard setback is required.

- Variance is not contrary to public interest.
- Compliance with the Ordinance would be unnecessarily burdensome.
- The home backs up to a school site.
- Variance would not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED.

ITEM #9 – VARIANCE REQUESTED. MR. ROSS HARE, 1300 E. BIG BEAVER, for relief of the landscape requirement to modify an approved site plan in relation to an addition onto an existing industrial building.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to modify an approved site plan in relation to an addition onto an existing industrial building. Section 39.70.04 of the Troy Zoning Ordinance requires that a landscape area equal to at least ten percent of the net site area be provided. The revised site plan submitted indicates that the development will result in 20,684 square feet of landscaped area. On this particular site a minimum of 31,145 square feet of landscaping is required.

Mr. Kevin Hart, the Architect for Mr. Hare was present. Mr. Hart explained that currently there is 43' of frontage from this building to Big Beaver and a 36,000 square foot two story building is in front of their property. Mr. Hart also stated that they have added

ITEM #9 – con't.

landscaping to the front of the building, and explained that this new plan would make it easier for tractor-trailers to turn on Big Beaver. Mr. Hart further stated that most of the landscaping visible would be at the front of the property. He also noted that the area near I-75 has the Sturgis Drain and is heavily wooded, although this area is not countable in meeting the landscape requirement. Mr. Hart said that they are showing 6.6% of lot coverage and therefore would be 3.4% under what the City requires.

Mr. Fejes asked if there was a safety issue involved when the trucks are turning and Mr. Hart said there would be if another truck was coming in at the same time.

Mr. Maxwell asked where the wetlands are and Mr. Hart explained that they are located along the greenbelt toward the Sturgis Drain. Mr. Hart also said that there are designated wetlands along the southeast corner of the property, however, they are not planning any construction in this area. Mr. Maxwell then asked if there was a detention pond on the property and Mr. Hart stated that there is an existing detention pond on the property.

Mr. Courtney asked for clarification between the original plan and the revised plan. Mr. Hart explained that the revised plan would include landscaping 22' off the east property line rather than the 43' originally proposed.

Mrs. Pennington asked if any trees would be removed as part of the reduced landscaping and Mr. Hart said they are only taking out grass.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Fejes

Supported by Courtney

MOVED, to grant Mr. Ross Hare, 1300 E. Big Beaver, relief of the ordinance to modify an approved site plan to construct an addition onto an existing industrial building, which will result in 20,684 square feet of landscaped area where 31,145 square feet is required.

- Landscaping in the surrounding area is sufficient to support a variance.
- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use.
- Variance applies to this property only.
- Variance will not have an adverse effect to surrounding property.
- Proposed landscaping will be a significant improvement to landscaping that is currently on this property.

ITEM #9 – con't.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED.

ITEM #10 – VARIANCE REQUESTED. MR. JACK FIELDS, REPRESENTING NINO SALVAGGIO MARKET PLACE, 6835 ROCHESTER, for relief of the front yard setback to add a 30' deep by 170.5' wide outdoor storage and display area on the east side of the existing facility.

The Chairman stated that the Building Department had received a letter from this petitioner requesting that this item be postponed until the meeting of February 18, 2003.

Mr. Courtney stated that he thought that the petitioner should be made aware that at least one board member is opposed to adding this display area on the east side of the building.

Motion by Courtney
Supported by Kovacs

MOVED, to postpone the request of Mr. Jack Fields, representing Nino Salvaggio Market Place, 6835, for relief of the front yard setback to add a 30' deep by 170.5' wide outdoor storage and display area on the east side of the existing facility until the meeting of February 18, 2003.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL FEBRUARY 18, 2003 CARRIED.

Mrs. Pennington stated that this would be the last meeting she would be attending and Mr. Mark Vleck has been appointed as the representative of the Planning Commission to serve on this Board.

The Board of Zoning Appeals meeting adjourned at 7:56 P.M.

MS/pp